

JC07 Rec'd PCT/PTO 30 NOV 2001

FORM PTO-1390
(REV. 9-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

100-1193

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

09/980380

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.
PCT/AU00/00613

INTERNATIONAL FILING DATE
30 May 2000

PRIORITY DATE CLAIMED
1 June 1999

TITLE OF INVENTION

Communication Assembly

APPLICANT(S) FOR DO/EO/US
Kingsley Gifford

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau, per Notice under Rule 47.1(c), copy enclosed.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT, Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Amendments under PCT Article 34; Stamped, Self Addressed Postcard to be Returned

"Express Mail" Mailing label number EL908289509US, Date of Deposit: November 30, 2001

I hereby certify that these papers and fees are being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box PCT, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Reg. No. 32,124, Russell D. Culbertson

U.S. APPLICATION NO. (if known, see 37 CFR 1.53) 09/980380		INTERNATIONAL APPLICATION NO. PCT/AU00/00613		ATTORNEY'S DOCKET NUMBER 100-1193	
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
				\$	1,040.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	---
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	16 - 20 =		x \$18.00	\$	---
Independent claims	2 - 3 =		x \$84.00	\$	---
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$	---
TOTAL OF ABOVE CALCULATIONS =				\$	1,040.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	520.00
SUBTOTAL =				\$	520.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	---
TOTAL NATIONAL FEE =				\$	520.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	---
TOTAL FEES ENCLOSED =				\$	520.00
				Amount to be refunded:	\$
				charged:	\$

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

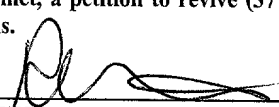
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
 overpayment to Deposit Account No. 19-1453. A duplicate copy of this sheet is enclosed.

d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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 NAME
 32,124
 REGISTRATION NUMBER

"COMMUNICATION ASSEMBLY"**Technical Field**

This invention relates to a communication assembly.

- 5 The invention has particular but not exclusive application to a communication assembly which is suitable for use as a gift or greeting and which enables a phone call to be made to a selected telephone number.

Background of Invention

- 10 It is known for greeting cards to include a phone number which, when phoned by the person receiving the greeting card, plays a message pre-recorded by the person sending the greeting card.

Summary of Invention

- 15 The present invention aims to provide an alternative to known communication assemblies and methods of providing a phone-based services.

In one aspect this invention resides broadly in a method of providing a phone-based service including:-

- 20 programming a telephone assembly having means to receive and transmit a message to another telephone, to transmit a message only to one or a plurality of designated other telephones from which the phone-based services are available, and

- 25 providing a programmed telephone assembly to a prospective user of the phone-based services, the telephone assembly being housed in housing means having theme identification means for identifying a theme associated with the phone-based services.

- 30 As used herein the expression "theme identification" is to be construed broadly as referring to the identification of a theme. "Theme" in this context is to be considered in it's normal dictionary meaning as a subject or attribute that members of a group or category have in common. "Theme identification means" is to be construed as meaning any means by which the subject or attribute held in common is/are identified. Exemplary of such means are shape, pattern, ornamentation or configuration. Thus for example, the pattern of a

portion of a musical score identifies the theme "Music" - as does the shape or configuration of a housing shaped as a base clef etc.

It is preferred that the theme identification means is the shape, pattern, ornamentation or configuration of said housing means.

5 It is also preferred that said housing means is star-shaped, said theme is astrology and said programming means have been pre-programmed to connect with one or a plurality of designated telephones numbers providing astrology services, or that said housing means has a sexual shape, said theme is a sexual theme and said programming means have been pre-programmed to connect
10 with one or a plurality of designated telephones numbers providing sexually related services.

This invention in another aspect resides broadly in a communication assembly including:-

a telephone assembly having means to receive and transmit a message
15 to another telephone;

programming means for programming said telephone assembly to transmit a message only to one other or a plurality of designated other telephones, and

housing means housing said telephone assembly, said housing means
20 having theme identification means for identifying a theme associated with said other telephone(s).

It is preferred that the theme identification means is the shape, pattern, ornamentation or configuration of the housing means.

It is also preferred that the communication assembly provides a phone-based service, said theme identification means identifying a theme associated
25 with said phone-based service.

In one preferred embodiment said programming means have been pre-programmed to connect with one or a plurality of designated telephones numbers providing said phone-based services. Alternatively the programming
30 means can be a key pad or the like programmable for transmission of a message to said one or a plurality of designated telephones numbers providing said phone-based services.

In one preferred embodiment the telephone assembly includes:-

connection actuating means for actuating telephone connection to the other telephone(s), and

disconnection means for disconnecting telephone connection with the other telephone(s).

5 It is preferred that the telephone assembly cannot receive incoming telephone calls.

In one preferred embodiment the housing means is heart-shaped and the theme is love, ie St Valentine's day. In this embodiment the programming means is preferably a key pad or the like programmable to transmit a message to only the telephone having the number first indexed on the key pad.

Alternatively the housing means may be star-shaped and the theme is astrology. In this embodiment the programming means have been pre-programmed to connect with one or a plurality of designated telephones numbers providing astrology services.

15 In another embodiment the housing means has a sexual shape and the theme is a sexual theme. In this embodiment the programming means have been pre-programmed to connect with one or a plurality of designated telephones numbers providing sexually related services.

It is preferred that the programming means is a key pad or the like programmable for transmission of a message to the one or plurality of designated telephones numbers providing the astrology or sexually related services.

Description of Drawings

25 In order that this invention may be more easily understood and put into practical effect, reference will now be made to the accompanying drawings which illustrate a preferred embodiment of the invention, wherein:-

FIG 1 is a schematic block diagram of the communication assembly of the present invention;

30 FIGS 2A and 2B are front and rear plan views of a first embodiment of the invention having a St Valentine's day theme, and

FIGS 3A and 3B are front and rear plan views of a second embodiment of the invention having an astrology theme.

3.1

Description of Preferred Embodiment of Invention

As can be seen in FIG 1, communication assembly 10 includes a telephone assembly having means 11 to receive and transmit a message to another telephone, and programming means 16,17 for programming the telephone assembly to transmit a message only to one other or a plurality of designated other telephones.

As seen in FIGS 2A, 2B, 3A and 3B, communication assembly 10 includes housing means housing the telephone assembly. The housing has theme identification means for identifying a theme associated with the other

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telephone(s). The theme identification means is the shape, pattern, ornamentation or configuration of the housing means.

FIGS 2A and 2B illustrate a love heart tele-greeting phone assembly 21. Housing 18 is heart-shaped and the theme is love, for example St Valentine's day. In this embodiment the programming means is a key pad 17 recessed beneath a hinged cover 18. Key pad 17 is programmable to transmit a message to only the telephone having the number first indexed on the key pad. When programming is complete, operation of key 19 (or a combination of the hash/star keys on a standard telephone digital dial pad) will store the number in non-erasable non-writeable memory.

Alternatively, FIGS 3A and 3B illustrate an astrology tele-greeting phone assembly 22. Housing 19 star-shaped and the theme is astrology. In this embodiment the programming means have been pre-programmed to connect with one or a plurality of designated telephone numbers providing astrology services. In this embodiment the programming means is a key pad 17 recessed beneath a hinged cover 18. Key pad 17 is programmable to transmit a message to one or to a number of designated telephone numbers providing the astrology services. When programming is complete operation of key 19 (or a combination of the hash/star keys on a standard telephone digital dial pad) will store the numbers in non-erasable non-writeable memory.

Other themes are possible in accordance with the invention. Thus in an embodiment not illustrated, the housing means has a sexual shape and the theme is a sexual theme. In this embodiment the programming means have been pre-programmed to connect with one or a plurality of designated telephone numbers providing sexually related services.

As seen in the drawings, telephone assembly 10 includes connection actuating means 12 for actuating telephone connection to the other telephone(s), and disconnection means 13 for disconnecting telephone connection with the other telephone(s). Telephone assembly 10 also includes a microphone 14, earpiece 15 and phone cord and jack 20.

The telephone assembly can be designed so as not to be capable of receiving incoming telephone calls.

In use, the love heart tele-greeting phone assembly 21 is purchased as a gift. The purchaser programs his/her own telephone number into the novelty

phone by means of key pad 17, operates button 19 to store the phone number (and only that number) non-eraseably in memory, and gives the novelty greeting phone to another person. The gift thus constitutes a personal greeting enabling the receiver to make phone calls directly to the giver simply by operating

5 connect button 13.

Alternatively in use, the astrology tele-greeting phone assembly 22 (or a sex tele-greeting phone assembly not shown) is purchased as a gift. The gift can be purchased from a store or manufacturer who also provides or is associated with organisations or individuals who provide phone based astrology

10 (or sex-related) services. The phone numbers of such phone-based services are non-eraseably preprogrammed into programming means 16. The purchaser can give the novelty greeting phone to a another person. The gift thus constitutes a personal greeting enabling the receiver to make phone calls directly to preselected phone-based services simply by selecting the chosen

15 service phone number and operating connect button 13.

It will of course be realised that whilst the above has been given by way of an illustrative example of this invention, all such and other modifications and variations hereto, as would be apparent to persons skilled in the art, are deemed to fall within the broad scope and ambit of this invention as is herein set forth.

Claims:-

1. A method of providing a phone-based service including:-
programming a telephone assembly having means to receive and
5 transmit a message to another telephone, to transmit a message only to one or
a plurality of designated other telephones from which said phone-based services
are available, and
providing a programmed telephone assembly to a prospective user of
said phone-based services, said telephone assembly being housed in housing
10 means having theme identification means for identifying a theme associated
with said phone-based services.
2. A method as claimed in claim 1, wherein said theme identification means
is the shape, pattern, ornamentation or configuration of said housing means.
- 15 3. A method as claimed in claim 2, wherein:-
said housing means is star-shaped, said theme is astrology and said
programming means have been pre-programmed to connect with one or a
plurality of designated telephones numbers providing astrology services, or
20 said housing means has a sexual shape, said theme is a sexual theme
and said programming means have been pre-programmed to connect with one
or a plurality of designated telephones numbers providing sexually related
services.
- 25 4. A communication assembly including:-
a telephone assembly having means to receive and transmit a message
to another telephone;
programming means for programming said telephone assembly to
transmit a message only to one other or a plurality of designated other
30 telephones, and
housing means housing said telephone assembly, said housing means
having theme identification means for identifying a theme associated with said
other telephone(s).

5. A communication assembly as claimed in claim 4, wherein said theme identification means is the shape, pattern, ornamentation or configuration of said housing means.

5 6. A communication assembly as claimed in claim 4, wherein said communication assembly provides a phone-based service, said theme identification means identifying a theme associated with said phone-based service.

10 7. A communication assembly as claimed in claim 6, wherein said programming means have been pre-programmed to connect with one or a plurality of designated telephone numbers providing said phone-based services.

15 8. A communication assembly as claimed in claim 6, wherein said programming means is a key pad or the like programmable for transmission of a message to said one or a plurality of designated telephone numbers providing said phone-based services.

20 9. A communication assembly as claimed in claim 5, wherein said telephone assembly includes:-

connection actuating means for actuating telephone connection to said other telephone(s), and

25 disconnection means for disconnecting telephone connection with said other telephone(s).

10. A communication assembly as claimed in claim 5, wherein said telephone assembly cannot receive incoming telephone calls.

30 11. A communication assembly as claimed in claim 5, wherein said housing means is heart-shaped and said theme is love.

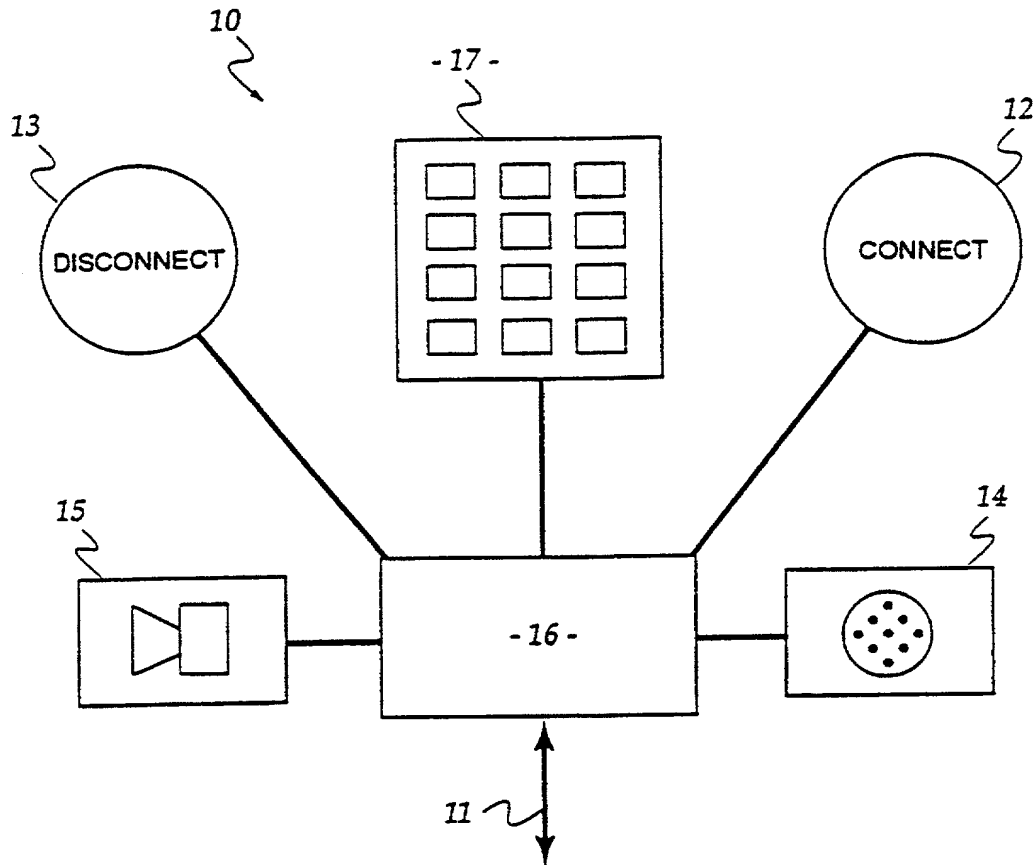
12. A communication assembly as claimed in claim 11, wherein said programming means is a key pad or the like programmable to transmit a message to only the telephone having the number first indexed on said key pad.

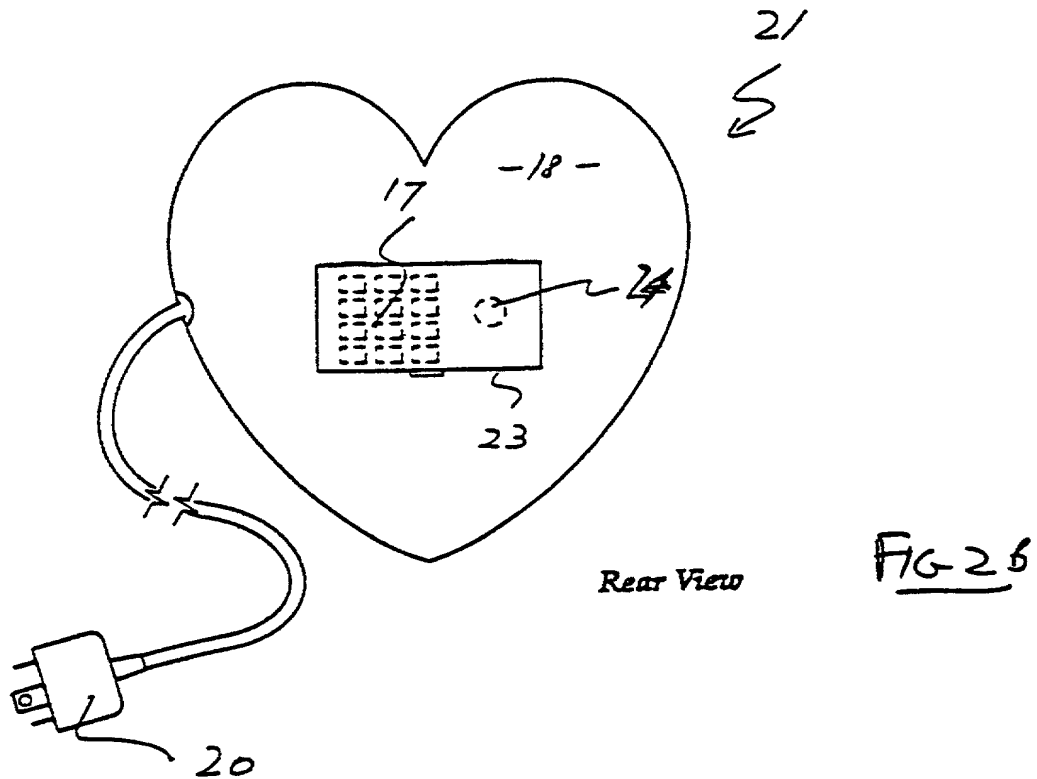
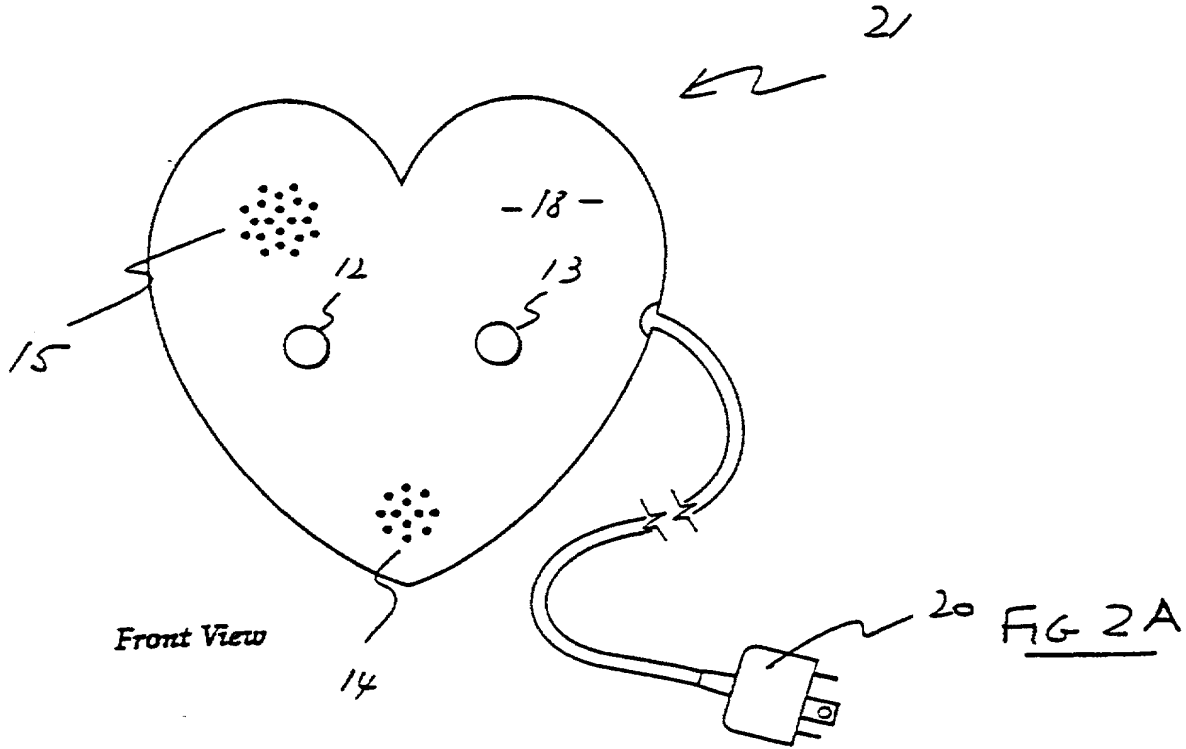
5 13. A communication assembly as claimed in claim 6, wherein said housing means is star-shaped and said theme is astrology.

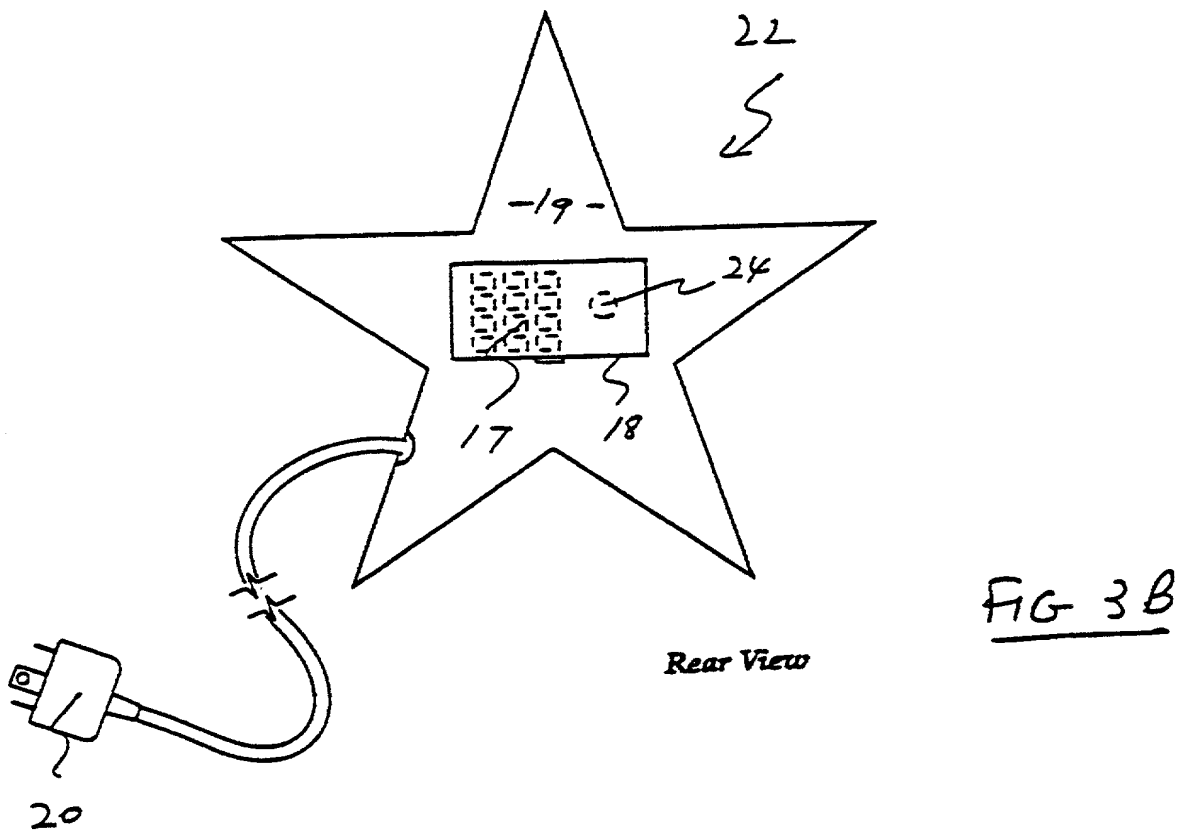
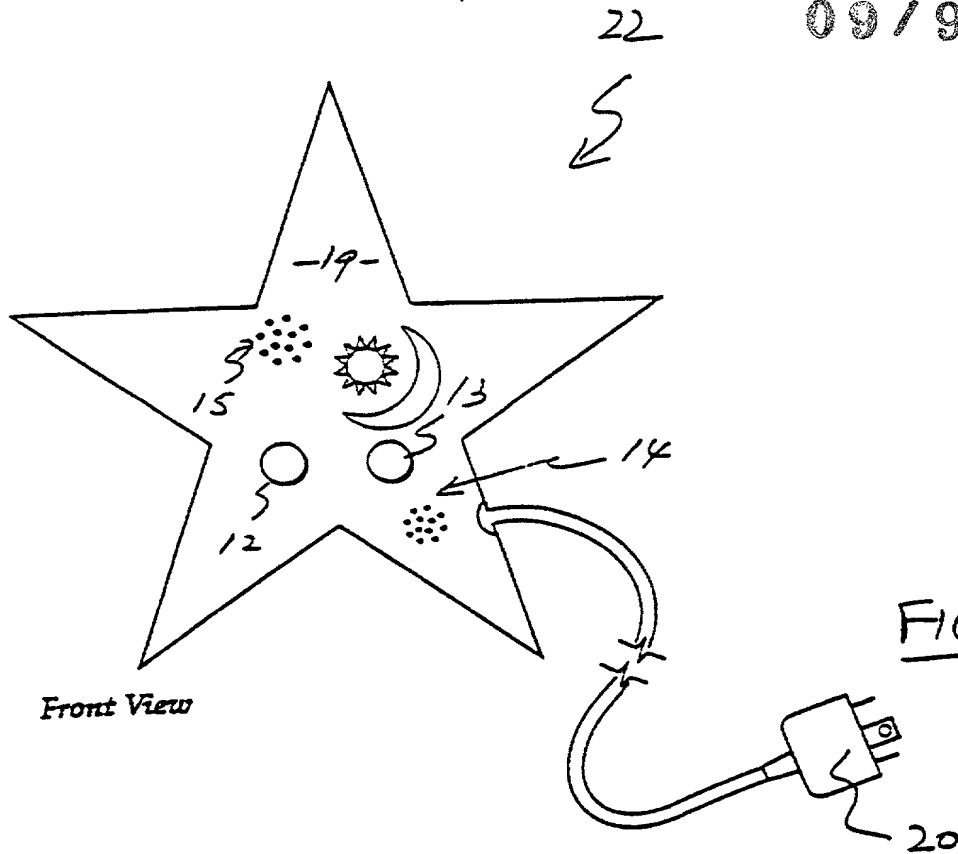
14. A communication assembly as claimed in claim 13, wherein said programming means have been pre-programmed to connect with one or a
10 plurality of designated telephones numbers providing astrology services.

15. A communication assembly as claimed in claim 6, wherein said housing means has a sexual shape and said theme is a sexual theme.

15 16. A communication assembly as claimed in claim 15, wherein said programming means have been pre-programmed to connect with one or a plurality of designated telephones numbers providing sexually related services.

*Fig. 1.*





10 Rec'd PCT/PTO T 1 FEB 2002

PTO/SB/01 (10-01)

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 100-1191

First Named Inventor Kingsley Gifford

COMPLETE IF KNOWN

Application Number 09 / 980,380

Filing Date NOVEMBER 30, 2001

Art Unit Unknown

Examiner Name Unknown

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Communication Assembly

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 05/30/2000

as United States Application Number or PCT International

Application Number PCT/AU00/00613 and was amended on (MM/DD/YYYY) 01/25/2001 and 04/06/2001 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PQ 0724	Australia	06/01/1999	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

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AUTHORIZATION OF AGENT**

Application Number	Unknown
Filing Date	Herewith
First Named Inventor	Kingsley Gifford
Title	Communication Assembly
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	100-1191

I hereby appoint:

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Name	Registration Number
Russell D. Culbertson	32,124
J. Nevin Shaffer, Jr.	29,858

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I am the:

☒ Applicant/Inventor.
☐ Assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
SIGNATURE of Applicant or Assignee of Record

Name

Kingsley Gifford

Signature

Date

3/12/2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☐ Customer Number or ☒ Correspondence address below

Name Russell D. Culbertson, c/o SHAFFER & CULBERTSON, L.L.P.

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City Austin

State TX

ZIP 78746

Country United States of America

Telephone 512-327-8932

Fax 512-327-2665

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any]) Kingsley

Family Name
or Surname Gifford

Inventor's
Signature 

Date 3/12/2001

Residence: City Phillip

State ACT

Country AU

Citizenship AU

Mailing Address 15 Dundas Court

City Phillip

State ACT

ZIP 2606

Country AU

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any])

Family Name
or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.